

PAB

File out.

ENVIRONMENTAL PROTECTION  
AGENCY, REGION II  
NEW YORK, N.Y.

1985 JUN 17 PM 2:58

PERMITS ADMINISTRATION  
BRANCH

18 JUN 1985

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

NJD002141190

Mr. John A. Rowe  
Operations Manager  
CPS Chemical Company, Inc.  
P.O. Box 162  
Old Bridge, New Jersey 08857

Dear Mr. Rowe:

The U.S. Environmental Protection Agency (EPA) is charged with the responsibility for implementing the Solid Waste Disposal Act, as amended, 42 U.S.C. §6901 et seq. (the Act). [Note: Among the statutes amending the Act is the Resource Conservation and Recovery Act (RCRA), 90 Stat. 2795, P.L. 94580 (1976).] By notification, you informed EPA that you conduct activities at the above referenced facility involving "hazardous waste," as that term is defined in Section 1004(5) of the Act, 42 U.S.C. §6904(5), and in 40 CFR §261. As is required in Section 3005 of the Act, 42 U.S.C. §6925, and in 40 CFR §270, you requested a permit to conduct such hazardous waste activities.

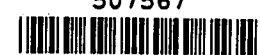
Section 3006(6) of the Act, 42 U.S.C. §6926(6), provides that the Administrator of EPA may, if certain criteria are met, authorize a State to operate a hazardous waste program in lieu of the Federal program. The Administrator authorized the State of New Jersey to operate a program in lieu of the Federal program as of February 2, 1983.

Section 3008 of the Act, 42 U.S.C. §6928, authorizes EPA to enforce the provisions of the authorized State program.

In accordance with EPA's responsibility, a review of the required closure plan and cost estimate for the subject facility has been performed. EPA has determined that, based on the above referenced review, your facility is in violation of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E et seq., and the regulations promulgated thereunder. The following paragraphs indicate the regulatory provisions that have been violated:

N.J.A.C. 7:26-9.8 requires that the owner or operator of a hazardous waste facility must develop and maintain at the facility, a written closure plan which describes the steps necessary to close all or part of the facility. At the time of the review, the documents submitted are insufficient to meet the requirements of this section. A description of the deficiencies is enclosed. You are therefore in violation of N.J.A.C. 7:26-9.8.

507567



N.J.A.C. 7:26-9.10 requires that the owner or operator of a hazardous waste facility must have at the facility a written estimate of the costs of closing the facility. At the time of the review, the documents submitted are insufficient to meet the requirements of this section. A description of the deficiencies is enclosed. You are therefore in violation of N.J.A.C. 7:26-9.10.

Section 3008 of the Act authorizes the assessment of a civil penalty of up to \$25,000 per day for violations of statutory provisions or relevant regulations. The determination of whether a penalty is to be imposed is based upon various factors, including the nature and seriousness of the violation and the good faith efforts to comply with the applicable requirements. It has been determined in this case that no penalty will be imposed for the violations cited above if the facility corrects all violations cited herein as expeditiously as possible and in no case later than 30 days from the receipt of this letter. Should the cited violations be discovered at this facility in the future, it is likely that an action for the assessment of a civil penalty will be initiated. Furthermore, please be advised that this letter in no way precludes future enforcement actions for any other violations discovered as a result of any other inspection.

Enclosed you will find a listing of additional information required to ensure proper closure and compliance with N.J.A.C. 7:26-9.8 and 7:26-9.10. Please submit, within 30 days of your receipt of this letter, a revised closure plan and any necessary support documents. This documentation should be addressed to:

Mr. Richard M. Walka  
Chief, Solid Waste Branch  
Air & Waste Management Division  
26 Federal Plaza  
New York, New York 10278

Also, please send a copy of this documentation to Richard A. Baker, Chief, Permits Administration Branch, at the same address. You must include your EPA identification number on all correspondence.

Should you have any questions about this notice or should you wish to discuss this matter further, please contact Thomas Solecki of my staff, at 212/264-5130.

Sincerely yours,

Richard M. Walka  
Chief  
Solid Waste Branch

Enclosure

cc: Joseph Rogalski, Assistant Director of Field Operations  
Division of Waste Management, NJDEP (w/encl.)

bcc: Tom Solecki, SWB  
Stanley Siegel, SWB  
Richard Baker, PAB  
Tom May, SWB

**CPS CHEMICAL COMPANY, INC.  
EPA I.D. NO. NJD002141190**

The following deficiencies and/or omissions have been noted in CPS Chemical Company, Inc.'s closure plan and closure cost estimate dated February 22, 1985:

**FACILITY DESCRIPTION**

- Description of container storage area including size, location and supporting surface material
- Description of tanks used for storage of hazardous waste including number, location (above or below ground) and capacity of each tank
- Certification of closure
- Estimate of the year of closure
- Inventory of auxiliary equipment

**REMOVING ALL INVENTORY/WASTE**

- Estimate of the amount of contaminated soil, if applicable
- Estimate of the amount of contaminated rinse water
- Container storage - Resolve discrepancy between Part A filed November 11, 1980, which estimates a container storage capacity of 17,500 gallons and the closure plan which estimates a maximum capacity of 1000 drums (approximately 55,000 gallons)

**DECONTAMINATING THE FACILITY**

- Rationale for assuming container storage area will not need decontamination
- Procedures/parameters for decontaminating container storage area, if applicable (i.e., sand blasting, rinsings, testing rinse water, etc.)
- Methods, parameters and rationale for determining if soil contamination exist (i.e., soil samples test locations, depth) identify the areas with potential contamination and removal procedures, if applicable
- Procedures/parameters for decontamination of auxiliary equipment, if applicable.

### COST ESTIMATE

Substantiation of closure cost estimate to ensure proper estimation. This estimate should include the following items which were omitted from the closure plan:

- Administrative cost, if applicable
- Contractor cost, if required
- Sampling, analysis, removal and disposal of contaminated soil, if applicable
- Auxiliary equipment, if applicable
- Disposal of contaminated rinse water
- Professional engineer's certification
- Contingency cost